HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21847 of 2006

Dated:23.10.2006

Between:

Obulampalle Venugopal Reddy and another.

…Petitioners

and

The Sub-Registrar and another.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21847 of 2006

ORDER:

The petitioner is a resident of Ganesh Complex, Kadapa Municipal Corporation area limits in Kadapa District. He purchased agricultural land admeasuring Acs.2.42 cents in Survey No.1493/1 and Acs.2.42 cents in Survey No.1493/2 in Ganganapalle Village and Gram Panchayat of Pendlimarri Mandal in Kadapa Sub-Division of Kadapa District, from B.Subbarayudu and another for a valuable consideration. The petitioner, along with his vendors, approached the first respondent for registration of the sale deeds and also paid the necessary stamp duty and registration fees. The petitioner alleges that the first respondent refused to accept the document for registration, and the reason, as informed by the first respondent, was that the Mandal Revenue Officer has advised him not to register any document pertaining to the land in Survey Nos.1493/1 and 1493/2 of Ganganapalle Village, as the lands were classified as Government lands. Aggrieved by the same, the present Writ Petition is filed.

Heard the learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections

31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004, dated 01.09.2004.

Following the above, this Writ Petition is disposed of directing the second respondent or any other Registering Officer to accept the document presented by the petitioner and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. No costs.

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(V.V.S.RAO, J)

23.10.2006
vs